

Message

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**From:** Ex. 6 PP / Ex. 7(C)  
**Sent:** 1/6/2022 12:16:43 AM  
**To:** Ex. 6 PP / Ex. 7(C)  
**CC:** Russell, Gwendolyn [Russell.Gwendolyn@epa.gov]  
**Subject:** RE: Railway Joint Inspection Chat

**Here is the Case Summary. May answer most your questions before tomorrow** Ex. 5 Deliberative Process (DP)  
Ex. 5 Deliberative Process (DP) **Talk more tomorrow.** Ex. 6 PP / Ex. 7(C)

## Basic Information

**Fiscal Year:** 2014  
**Statute:** Clean Air Act  
**Citation:** 42 U.S.C. 7413(c)(4)

## Defendants

Ex. 6 PP / Ex. 7(C)

## Case Summary

Wednesday, August 20, 2014

### South Dakota Man Sentenced For Clean Air Act Violation

COEUR D'ALENE - John Wilhelm Myre, 55, of South Dakota, was sentenced to three years of supervised release and 90 hours of community service for negligent endangerment under the federal Clean Air Act, U.S. Attorney Wendy J. Olson announced. U.S. Magistrate Judge Candy W. Dale also ordered Myre to pay a \$3,000 fine. Myre pleaded guilty to the charge on March 18, 2014.

According to the plea agreement, Myre admitted that in January 2013, when he was a supervisor for the Dakota Southern Railroad, the laborers working under him used acetylene cutting torches to cut apart steel beams from an old railroad trestle. The steel beams had been painted with lead-based paint, and when they were cut with the torches the lead vaporized and was released into the air. One of the workers became ill and had to be hospitalized with acute lead poisoning, and the other workers all had high levels of lead in their bloodstreams.

Judge Dale ordered Myre to attend and complete within six months an OSHA class on safety standards involving lead paint. In addition, the defendant is prohibited from using firearms during the term of his supervised release.

This is an astonishing case of admitted negligence with tragic consequences, said Tyler Amon, Special Agent-in-Charge of the United States Environmental Protection Agency's (EPA's) Criminal Investigation Division in Seattle. Despite learning that one worker had to be hospitalized by the process, Mr. Myre's workers continued their toxic task of cutting steel and breathing lead fumes. The result: five diagnosed cases of lead poisoning that were completely avoidable. We will investigate and prosecute criminal negligence that causes harm to the fullest extent of the Law.

## Case Details

August 20th, 2014

John Wilhelm Myre, 55, of South Dakota, was sentenced to three years of supervised release and 90 hours of community service for negligent endangerment under the federal Clean Air Act. Myre was also ordered to pay a \$3,000 criminal fine.

CITATION: 42 U.S.C. 7413(c)(4)

Ex. 6 PP / Ex. 7(C)

Special Agent  
U.S. Environmental Protection Agency  
Criminal Investigation Division  
Boise Resident Office  
950 W Bannock St., Suite 900  
Boise, ID 83702

Ex. 6 PP / Ex. 7(C)



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From: Ex. 6 PP / Ex. 7(C)

Sent: Wednesday, January 5, 2022 2:22 PM

To: Ex. 6 PP / Ex. 7(C)

Cc: Russell, Gwendolyn <Russell.Gwendolyn@epa.gov>

Subject: Railway Joint Inspection Chat

Good Afternoon Ex. 6 PP / Ex. 7(C)

Would you have a moment to talk with Gwen and I about the railway joint inspection that Ex. 6 PP / Ex. 7(C) mentioned? We are curious about how you guys went about charging that violation and how it might relate to the Burlington Northern Santa Fe situation that OSHA has been looking into over here. Let me know when you are available and I will coordinate with Gwen to send a MS Teams invite.

Ex. 6 PP / Ex. 7(C)

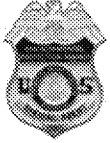
Best,

Ex. 6 PP / Ex. 7(C)

Special Agent

U.S. Environmental Protection Agency  
Criminal Investigation Division  
West Coast Branch  
Seattle Area Office  
1200 Sixth Avenue, Suite 155,  
Mail Stop 17-C07  
Seattle, WA 98101-3144

**Ex. 6 PP / Ex. 7(C)**



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